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Agenda item 10
Technical assistance and capacity-building

Human rights situation in Burundi*, **

Note by the Secretariat

Summary

The present note provides an update on major developments in relation to the implementation of Human Rights Council resolution 36/2 on the mission by the Office of the United Nations High Commissioner for Human Rights to improve the human rights situation and accountability in Burundi.

* The present document was submitted late in order to reflect the most recent developments.

** The present note is prepared in lieu of the report originally requested by the Human Rights Council to be presented at its thirty-ninth session.

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I. Introduction

1. In its resolution 36/2, the Human Rights Council requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) urgently to dispatch a team of three experts to Burundi to engage with the Burundian authorities and all other stakeholders, to collect information concerning human rights violations, and to forward such information to the national judicial authorities to ensure accountability. It tasked the team of experts with making recommendations for technical assistance and capacity-building with a view to providing support to the Government of Burundi in fulfilling its human rights obligations and combating impunity.

2. The Council also requested the United Nations High Commissioner for Human Rights to present an oral briefing on the implementation of the resolution at its thirty-seventh and thirty-eighth sessions and a final report during an interactive dialogue at its thirty-ninth session.

3. The present note is prepared in lieu of the report originally requested by the Council to be presented at its thirty-ninth session, as the Government of Burundi did not cooperate with OHCHR in the implementation of resolution 36/2.

II. Engagement with the Government of Burundi in the implementation of resolution 36/2

4. On 19 December 2017, OHCHR met with the Coordinator of the African Group to brief him on technical preparations for the implementation of Council resolution 36/2. In March 2018, two of the three experts of the team were deployed to Bujumbura to collect information concerning human rights violations and to provide technical assistance and capacity-building to the Government pursuant to that resolution. They were accompanied by a security officer. The deployment of the third expert was delayed pending the finalization of the recruitment process. The Government of Burundi granted the two experts and the security officer one-month entry visas.

5. On 27 March 2018, OHCHR sent a note verbale to the Permanent Mission of Burundi to the United Nations Office in Geneva to provide an update on the deployment of the team of experts and their mandate, thanking the Government for its cooperation. On the same day, the Permanent Mission of Burundi sent an email to OHCHR acknowledging receipt of the note verbale. On 3 April 2018, the OHCHR office in Burundi sent a note verbale to the Ministry of Foreign Affairs informing it of the deployment of the experts.

6. In a spirit of cooperation, the experts waited to be officially received by the Burundian authorities before starting any activity. Meanwhile, the experts drafted their work plan and identified areas of technical cooperation that could be discussed with the Government of Burundi.

7. However, on 19 April 2018, the two experts and the security officer received a phone call from the Immigration Service of Burundi informing them that their visas had been cancelled. On 26 April 2018, they received a letter from the Director of the Immigration Service, dated 24 April 2018, notifying them that, due to the cancellation of their visas, they were no longer authorized to remain in Burundi. Consequently, OHCHR immediately organized the departure of the experts and security officer from Burundi.

8. In a meeting with OHCHR in Geneva on 27 April 2018, the Permanent Representative of Burundi reiterated the willingness of his Government to collaborate with OHCHR. In a letter dated 3 May 2018, OHCHR informed the Permanent Representative that the team of experts was ready to return to Burundi to carry out its mandate. The Government of Burundi has not responded to this communication.

9. On 8 May 2018, the High Commissioner conveyed his concerns in writing to the President of the Human Rights Council and the Coordinator of the African Group, seeking their support to ensure the implementation of Council resolution 36/2. During follow-up

meetings with the President of the Council and the Coordinator of the African Group, the Permanent Representative of Burundi reiterated the commitment of his Government to implement resolution 36/2. Despite this renewed commitment, the Government of Burundi did not allow the experts to return to the country.

10. Furthermore, contrary to the commitment of the Government of Burundi to resume full cooperation with OHCHR,[1] discussions on a new memorandum of understanding between OHCHR and the Government of Burundi have been stalled due to a lack of follow-up by the Government.

III. Observations

11. The decision of the Burundian authorities to revoke the visas of the experts was not discussed with OHCHR beforehand. Due to the lack of cooperation demonstrated by the Government of Burundi, the High Commissioner is unable to provide the Human Rights Council with the report it requested in its resolution 36/2. It should be recalled that the Government of Burundi is a member of the Human Rights Council and that it supported the adoption of resolution 36/2. It is, therefore, particularly worrying that, through its lack of cooperation, it has prevented the implementation of a mandate of the Council. The High Commissioner strongly encourages the Government to fully resume its engagement with all international human rights bodies, including OHCHR, and to cooperate to enhance the protection and promotion of all human rights for all in Burundi.

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[1] In paragraph 10 of its resolution 36/2, the Council noted with satisfaction the decision of the Government of Burundi to restore its full cooperation with the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights, including by extending full cooperation to its office in Bujumbura, and encouraged the Government to cooperate fully with treaty bodies and to improve the working conditions of human rights defenders.